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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,325	06/14/2001	Frank J. DeGilio	POU920010067US1/132-0001	7141

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EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,325

Applicant(s)

DEGILIO ET AL.

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 20 are presented for examination.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “time-consuming” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 21 – 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

5. Claims 21 and 29 recite the limitation of, “an error response is returned”, which has no description of an “error” according in the specification of the application. Applicant is asked to explain or amend the limitation to bring clarity to this limitation.

6. Claims 21 and 29 recite the limitation of, “Sensing that one of the searches will be time consuming”, is not described in the specification as to how “sensing” occurs or functions. Applicant is asked to explain or amend the limitation to bring clarity to this limitation.

7. Claims 22 – 28 and 30 – 36 are rejected for their separate dependency on claims 21 and 29 above.

Claim Rejections - 35 USC § 103

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 21, 22, 24 – 30 and 32 – 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Servan-Schreiber et al. (6892354) (hereinafter Servan) in view of Horn (6192414).

10. As per claim 21, as closely interpreted by the Examiner, Servan teaches a method for monitoring the presence of a web client from a server via a communications network, comprising;

11. conducting searches for data in response to receiving requests for information from web clients, (e.g., col. 1, line 47 – col. 2, line 10 & col. 2, line 66 – col. 3, line 43);

12. upon sensing that one of the search will be time consuming, determining a continued presence of the web client associated with the time-consuming search, (e.g., col. 4, lines 24 – 60);

13. waiting a specified time period, (e.g., col. 4, lines 24 – 60); and

14. data resulting from the search becomes available after a predetermined time, (e.g., col. 1, line 47 – col. 2, line 10 & col. 2, line 66 – col. 3, line 43), but does not specifically teach upon sensing that one of the connections will be time consuming, determining a continued presence of the web client associated with the time-consuming search, the determining comprising:

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15. transmitting a byte stream to the web client;
16. waiting a specified time period;
17. if an error response is returned from the web client indicating the web client is no longer present, aborting the search; and
18. if an error response is not returned from the web client, continuing the search and repeating the transmitting and waiting until an occurrence of at least one of:
 19. an error response is returned from the web client indicating the web client is no longer present; and
 20. data resulting from the connection becomes available.
21. Horn teaches a method for monitoring the presence of a web client from a server via a communications network, comprising;
22. upon sensing that one of the connections will be time consuming, determining a continued presence of the web client associated with the time-consuming search, the determining comprising:
 23. transmitting a byte stream to the web client, (e.g., col. 7, line 61 – col. 8, line 34);
 24. waiting a specified time period, (e.g., col. 7, line 61 – col. 8, line 34);
 25. if an error response is returned from the web client indicating the web client is no longer present, aborting the search, (e.g., col. 7, line 61 – col. 8, line 34); and
 26. if an error response is not returned from the web client, continuing the search and repeating the transmitting and waiting until an occurrence of at least one of:
 27. an error response is returned from the web client indicating the web client is no longer present, (e.g., col. 7, line 61 – col. 8, line 34); and

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28. data resulting from the connection becomes available, (e.g., col. 7, line 61 – col. 8, line 34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Horn with Servan because testing to see if a user is no longer using a connection will give the system the ability to free up resources so they may be used elsewhere.

29. As per claim 22, as closely interpreted by the Examiner, Servan teaches transmitting data resulting from the search to the web client in response to the occurrence of data resulting from the search becoming available, (e.g., col. 1, line 47 – col. 2, line 10 & col. 2, line 66 – col. 3, line 43).

30. As per claim 24, as closely interpreted by the Examiner, Servan teaches the byte stream is an advertisement, (e.g., col. 1, line 47 – col. 2, line 10 & col. 2, line 66 – col. 3, line 43).

31. As per claim 25, as closely interpreted by the Examiner, Servan teaches the specified wait time is a tunable parameter, (e.g., col. 4, lines 24 – 60).

32. As per claim 26, as closely interpreted by the Examiner, Servan teaches the data to be searched is returned in a web page format, (e.g., col. 2, line 49 – col. 3, line 21).

33. As per claim 27, as closely interpreted by the Examiner, Servan teaches returning a static web page to the web client in response to receiving the request for information from the web client, (e.g., col. 2, line 49 – col. 3, line 21).

34. As per claim 28, as closely interpreted by the Examiner, Servan teaches the static web page is returned to a second browser window opened by the web client, the second browser window opened by the web client subsequent to the request, (e.g., col. 2, line 49 – col. 3, line 21).

35. Claims 29, 30 and 32 – 36 are rejected for similar reasons as stated above.

36. Claims 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Servan and Horn as applied to claims 21 and 29 above, and in further view of Berg et al. (6674713) (hereinafter Berg).

37. As per claim 23, as closely interpreted by the Examiner, Servan and Horn do not specifically teach the byte stream is a null byte stream. Berg teaches the byte stream is a null byte stream, (e.g., col. 22, lines 25 – 44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Berg with the combine system of Horn and Servan because

38. Claim 31 is rejected for similar reasons as stated above.

Response to Arguments

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39. Applicant's arguments with respect to claims 21 – 36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

41. a. Chau et al. U.S. Patent No. 6011910 discloses Supporting authentication across multiple network access servers.

42. b. Narisi et al. U.S. Patent No. 6233619 discloses Virtual transport layer interface and messaging subsystem for high-speed communications between heterogeneous computer systems.

43. c. Heath et al. U.S. Patent No. 5553239 discloses Management facility for server entry and application utilization in a multi-node server configuration.

44. d. Cheshire U.S. Patent No. 6862627 discloses Method and system for preventing a timeout from reaching a network host.

45. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

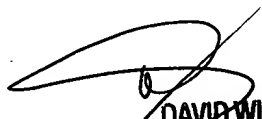
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De



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SUPERVISORY PATENT EXAMINER
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